

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|  |   |                   |
|--|---|-------------------|
| <b>In the Matter of</b>                          | ) |                   |
|  | ) |                   |
| <b>Wireless Telecommunications Bureau</b>        | ) |                   |
| <b>Seeks Comment on Maritel, Inc. Petition )</b> |   |                   |
| <b>For Declaratory Ruling and National</b>       | ) | <b>DA 03-3585</b> |
| <b>Telecommunications and Information</b>        | ) |                   |
| <b>Administration Petition for Rulemaking</b>    | ) |                   |
| <b>Regarding the use of Maritime VHF</b>         | ) |                   |
| <b>Channels 87B and 88B</b>                      | ) |                   |

**COMMENTS OF SHIPCOM, LLC.**

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December 5, 2003

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**COMMENTS OF SHIPCOM, LLC.**

ShipCom, LLC., pursuant to the invitation extended by the Federal Communications Commission (“FCC” or “Commission”) in the Public Notice issued on November 7, 2003 (“Public Notice”),<sup>1/</sup> hereby submits its reply comments responsive to the petition for rule making submitted by the National Telecommunications and Information Administration (“NTIA”) to the FCC on October 24, 2003 (the “NTIA Petition”). The NTIA Petition asks that the FCC allocate VHF channels 87B (161.975 MHz) and 88B (162.025 MHz) exclusively for Automatic Identification System (“AIS”) use by both Federal government and non-Federal government entities on a shared basis nationwide. The NTIA Petition requests, in an unprecedented manner, that the FCC strip ShipCom of its rights as an incumbent FCC coast station licensee. ShipCom therefore opposes the NTIA Petition.

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<sup>1/</sup> *Wireless Telecommunications Bureau Seeks Comments on MariTEL, Inc. Petition for Declaratory Ruling and National Telecommunications and Information Administration Petition for Rulemaking Regarding the Use of Maritime VHF Channels 87B and 88B*, DA 03-3585 (rel. Nov. 7, 2003).

## **I. Background**

ShipCom currently provides 24-hour marine ship-shore services using FCC licensed rights for VHF channels 24,25,26,27,28,84,86 and 87 obtained through its' acquisition of the assets of Mobile Marine Radio Inc. In addition, ShipCom operates numerous Public Coast H.F. frequencies from station WLO in Mobile, Alabama, WCL in Mobile, Alabama, KNN in Marina Del Rey, CA and KLB in Silvana, Washington. ShipCom is also licensed to serve land mobiles on a secondary basis in addition to Maritime units and aircraft. ShipCom's flagship station WLO has been providing continuous service to the Maritime community for over 55 years.

The USCG Petition for Rule Making, submitted in 1997 stated that the USCG envisioned that AIS channels would be used in a duplex mode with 12.5 kHz wide channels and offset 12.5 kHz from the center frequencies of the 25 kHz marine public correspondence channels. The USCG Petition for Rule Making also did not request dedicated VPC channels for AIS operations, contemplating that AIS traffic, such as those from foreign flag vessels, would be “switched” once the vessel entered U.S. waters. The FCC recognized PAWSS as the basis for the USCG’s use of AIS technology in its *Third Report and Order*, with the operational parameters (12.5 kHz wide channels, duplex operations, and the ability to “switch” traffic from one channel to another).<sup>2/</sup>

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<sup>2/</sup> *Third Report and Order* ¶ 46.

The USCG has proceeded with the implementation of rules specifying that certain vessels be required to carry AIS transponders in PAWSS areas. In the final rules, the USCG noted that alternate channels could be used where channels 87B and 88B were unavailable<sup>3</sup>. The NTIA Petition now asks that the FCC reallocate VHF channels 87B and 88B from public correspondence use to exclusively AIS use on a shared Federal government non-Federal government basis.

The MariTEL comments in this proceeding state that the configuration desired by the USCG will impair other public correspondence channels<sup>4</sup>. Additionally, domestic and international sources indicate that 25 kHz channels adjacent to AIS channels should be reserved exclusively as a “guard band”<sup>5</sup>.

## **II. Discussion**

Section 80.371 of the FCC rules clearly specifies use of narrowband-offset channels in PAWSS. One of the reasons cited by the FCC for not designating channel 87B for AIS was the impact to incumbent licensees. Selection of any narrowband-offset duplex channels for AIS does not impact the 25 kHz marine VHF public correspondence channels<sup>6</sup> licensed on a site-specific or geographic basis. Even if MariTEL and the USCG were to agree upon the selection of non-offset AIS channels, such an agreement does not automatically include use of the spectrum authorized to incumbent stations and there is no basis to expect that these rights should be diminished. It is expected that the USCG would either negotiate to use the pertinent channel(s)

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<sup>3</sup> One can only assume that the USCG would employ alternate frequencies in certain areas since the USCG never approached ShipCom regarding the use of its licensed spectrum. The NTIA Petition is the first communication by the USCG, albeit indirectly, that there is a need to use ShipCom’s licensed spectrum.

<sup>4</sup> The MariTEL comments and report state that the interference is due to the 1371-1 AIS technology configured to operate in the simplex mode on the “coast station” side of the duplex public correspondence channels.

<sup>5</sup> Most sources agree that at all three adjacent 25 kHz channels should be reserved for AIS guard band channels. However, some competent authorities have “cleared” more spectrum for such use.

<sup>6</sup> Channels 24, 84, 25, 85, 26, 86, 27, 87, 28, 88.

or “perform frequency management through the base station capabilities of AIS” to employ other channels<sup>7</sup>. The USCG has shifted from proposing the minimum impact configuration to the most obtrusive without documenting the technical implications, and most importantly, has not effectively communicated with those licensees that may be impacted. Instead, the USCG dismissed the interference to the VHF public correspondence band as insignificant and has not appropriately determined the bandwidth needed for AIS.

The NTIA Petition has not sufficiently addressed the following items to be considered a realistic request today:

1. Documentation of the technical and operational reasons, through cost / benefit analysis, that conclusively demonstrate why remote frequency assignment and use of other configurations is unacceptable versus using channels 87B and 88B<sup>8</sup>.
2. Documentation of the need, or lack thereof, for AIS guard band spectrum as a result of licensed operations on adjacent public correspondence channels.
3. Documentation of the technical and operational impact of simplex, “B side” AIS operations to the public correspondence channels.
4. The implications of shared federal government / commercial use of channels 87B and 88B as it relates to shore station licensing and the ability for others to use certain AIS time slots in accordance with the international standards. Does the NTIA Petition envision eliminating ShipCom’s ability to use its licensed commercial channels only to allow other non-federal government entities to use the spectrum in a manner to increase their profits?

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<sup>7</sup> USCG Final AIS Rules. “Should AIS frequency management be required due to the unavailability of AIS1 or AIS2 in any one VTS area, we intend to have the infrastructure in place to perform frequency management through the base station capabilities of AIS.”

5. Documentation of the need, or lack thereof, for additional spectrum for future AIS operations.
6. An explanation of why the USCG publicly states that it will employ frequency management where necessary yet also states that the procedure is risky.  
  
Additionally, an explanation why the USCG has made no attempt to ensure the AIS Class B transponder specification includes remote frequency management and both narrowband and duplex modes of operation.
7. An explanation of why the USCG and NTIA have failed to proactively engage the licensees of public correspondence channels to develop mutually agreeable solutions as is demonstrated in the FCC's *DEMS Order*<sup>9</sup>.

Neither the U.S. Coast Guard, nor The NTIA, nor the FCC has proposed any compensation to ShipCom for the loss of the frequencies affected by the proposed AIS operations. Compensation options could include payments to ShipCom, special "grandfather rights" in connection with AIS operations and or replacement spectrum acceptable to ShipCom. If arrangements, suitable to ShipCom, were negotiated with ShipCom, ShipCom would withdraw its' opposition.

### **III. CONCLUSION**

For the foregoing reasons, ShipCom urges the Commission to reject NTIA's Petition and instead direct the USCG to negotiate with ShipCom, as the Commission's rules provide, to partition, disaggregate or lease rights to spectrum needed for USCG operations.

Respectfully submitted,

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<sup>8</sup> For such a taxing request, the NTIA Petition should be required to include a detailed cost/benefit analysis for all possible AIS configurations.

**ShipCom, LLC.**

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December 5, 2003

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<sup>9</sup> *Amendment of the Commission's Rules to Relocate the Digital Electronic Message Service from the 18 GHz Band to the 24 GHz Band and to Allocate the 24 GHz Band for Fixed Service*, ET Docket No. 97-99, *Order*, 12 FCC Rcd 4990 (1997) (“DEMS Order”).